

REMARKS/ARGUMENTS

This is a Response to the Office Action mailed December 3, 2003, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire March 3, 2004. Forty-two (42) claims, including five (5) independent claims, were paid for in the application. Enclosed is our check to cover the fee for one additional dependent claim and for the Terminal Disclaimer being filed herewith. Claims 23, and 36-43 have been amended. No new matter has been added to the application. The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 1-43 are pending.

Remarks

Applicants thank the Examiner for correcting the numbering of claims 36-43. Claims 36-43 have been amended to reflect the Examiner's renumbering of the claims, and claims 37 and 39-43 have been amended to maintain dependencies in light of the Examiner's renumbering of the claims.

Objections

Claim 23 was objected to because of an informality which is corrected by the amendment above.

Obviousness-Type Double Patenting Rejections

Claims 1, 7, 21, 26, 38 and 40-43 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of copending application No. 09/916,240, the Examiner noting that although the claims are not identical, they are not patentably distinct from each other. Claims 2-6, 8-20, 22-25, 27-37 and 39 contain allowable subject matter, but were objected to as being dependent on a rejected base claim.

Applicants are submitting herewith a terminal disclaimer, with the required fee, pertaining to copending application No. 09/916,240, thus overcoming the double patenting rejections.

Conclusion

Applicants thank the Examiner for indicating the allowable subject matter of claims 1-43. In view of the above amendments and remarks, and in view of the Terminal Disclaimer filed herewith, Applicants respectfully submit that all pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. Examiner Crepeau is encouraged to contact Mr. Abramonte by telephone to discuss the above if desired. If the Examiner notes any additional informalities in the claims, he is encouraged to contact Mr. Abramonte by telephone to expediently correct such informalities.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC



Frank Abramonte
Registration No. 38,066

Enclosures:

Check
Postcard
Terminal Disclaimer

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031
(FXA:lrj) 443319.1